

Municipal Storm Water Program

Christine Sotelo
Municipal Storm Water Unit
State Water Resources Control Board
916.322.1400
csotelo@waterboards.ca.gov

Presentation Overview

Phase I and Phase II MS4 Permits

- Statistics
- Program Basic Information
- Issues of Concern
- How to evaluate compliance

Municipal Permit Types

- Regulated in two groups:
 - Phase I – 1990s – nearing 4th & 5th permit term
 - Phase II – 2003 – 1st term expired April 2008
- 3 different storm water discharge permit categories:
 - Individual
 - Statewide
 - General
- Phase I – Two part application process – Individual
- Phase II - Notice of Intent – General

Role of Water Board Staff

General Permits

- State Board Staff
 - ✓ Write permit for consideration and adoption by State Board
 - ✓ Handles administrative tasks
- Regional Board staff
 - ✓ Processes enrollment requests

Individual Permits

- Regional Board staff
 - ✓ Write permits for consideration and adoption by Regional Board
- State Board staff
 - ✓ Review petitions

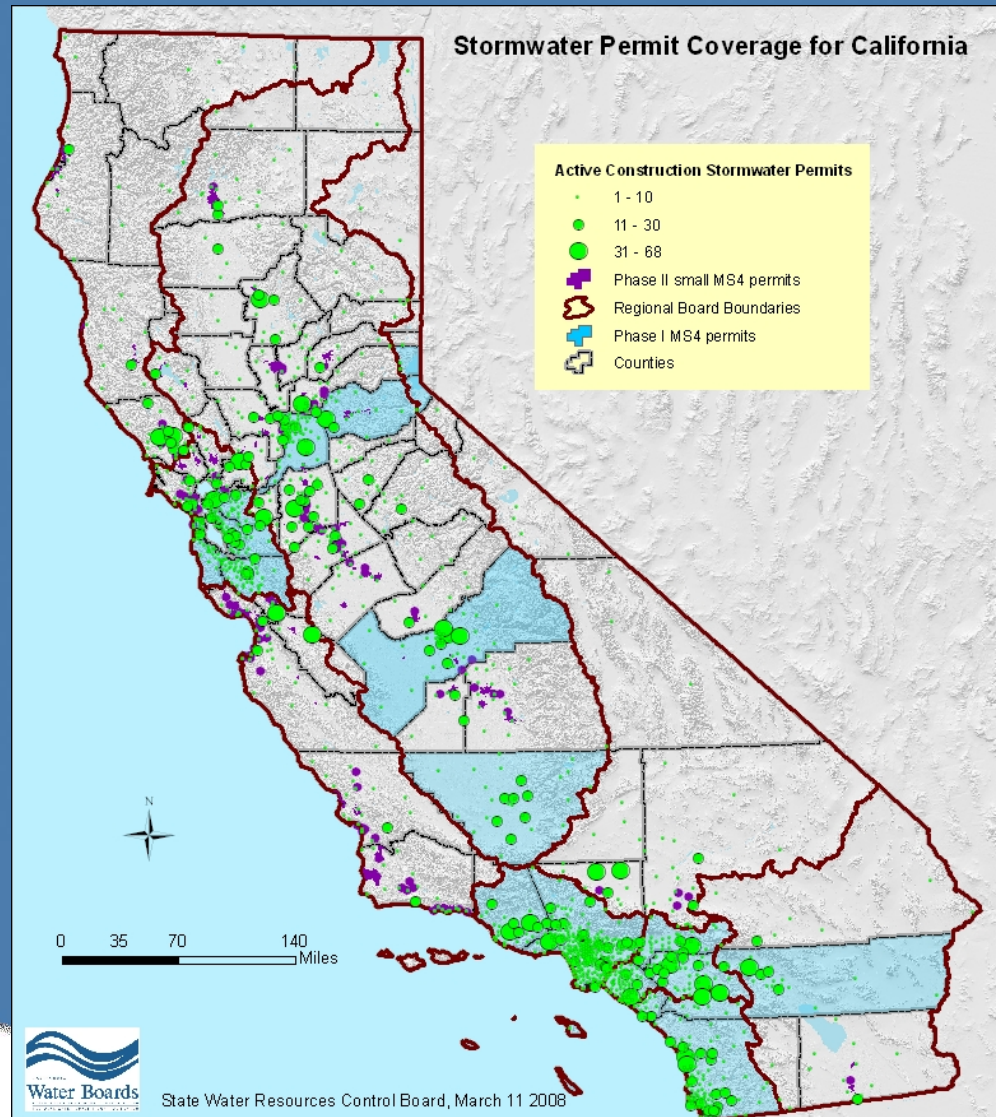
Goal & Basic Components

Phase I & Phase II MS4 Permits

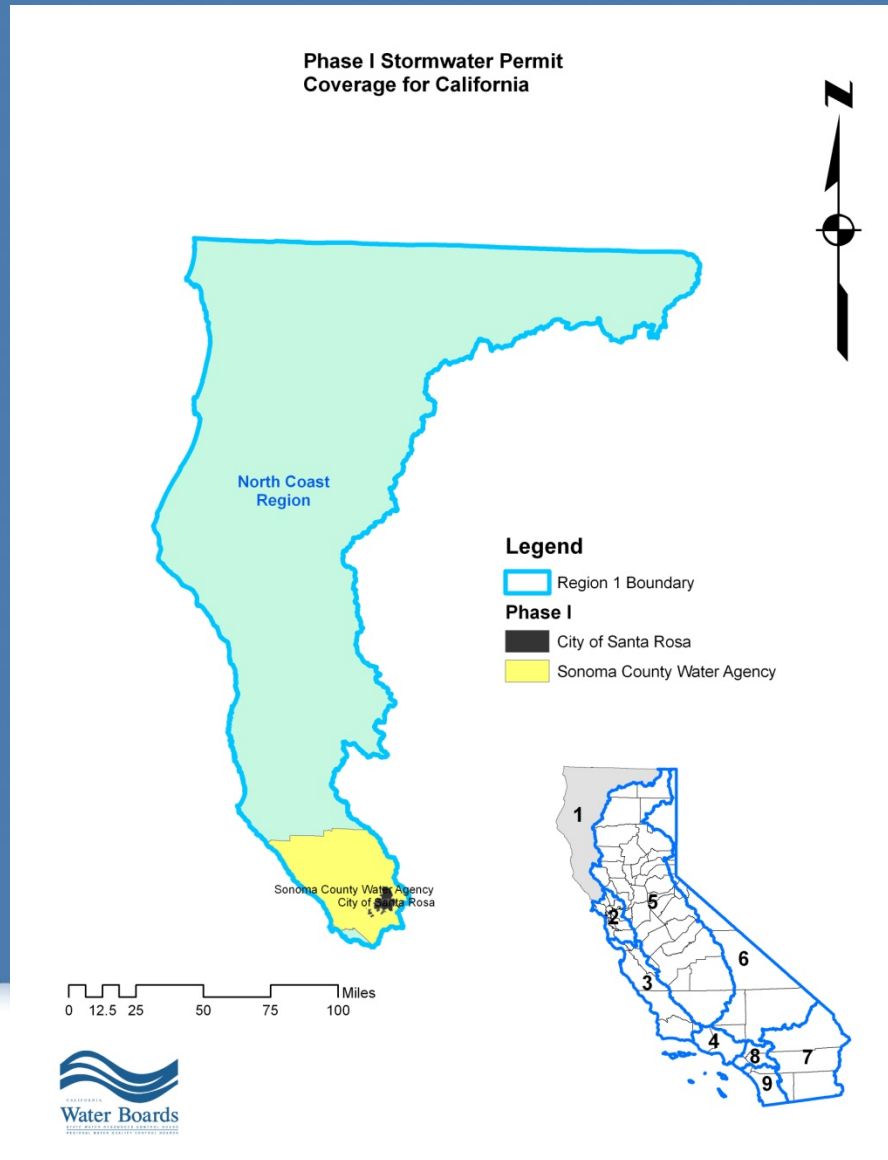
- Reduce the discharge of pollutants to the maximum extent practicable (MEP)
- Unlike other NPDES permits
 - Programmatic Requirements
 - Implementation of best management practices (BMPs)
 - Development of Storm Water Management Plans (SWMPs)
- Phase I and Phase II SWMPs identify program areas such as:
 - public education and outreach
 - construction and post-construction
- Permittees often want flexibility to develop BMPs

Overview of California

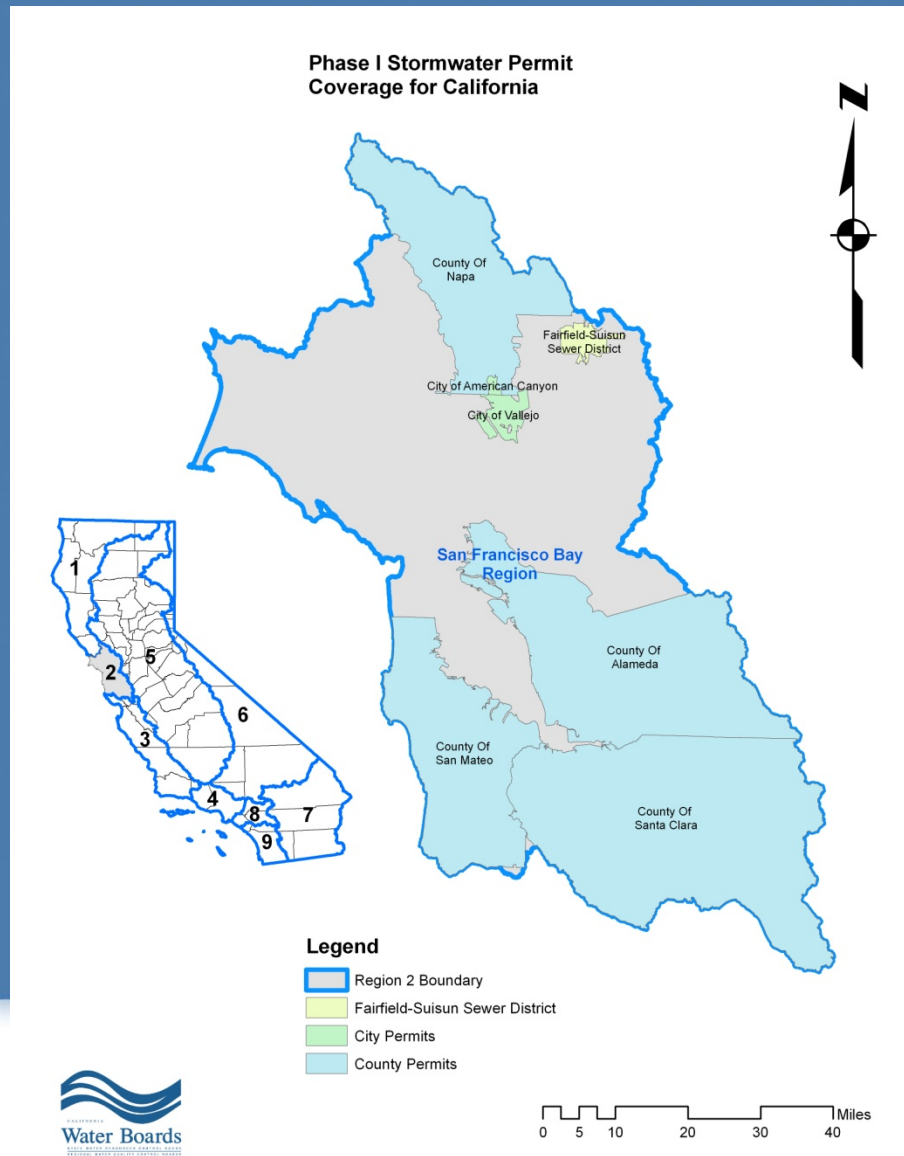
- 26 Regional Water Board Phase I MS4 Permits
- Covering over 1000 entities in CA
- 1 Statewide - Caltrans Permit



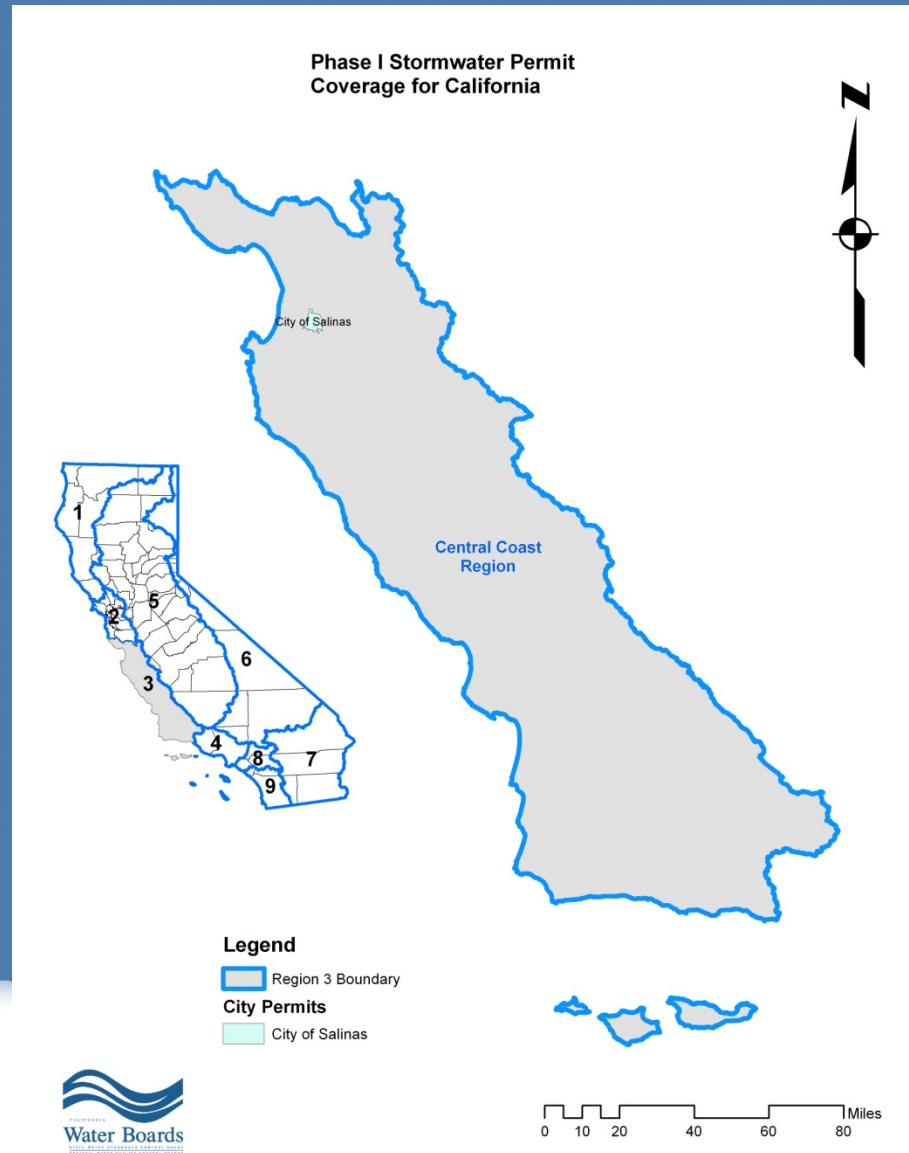
North Coast - 1



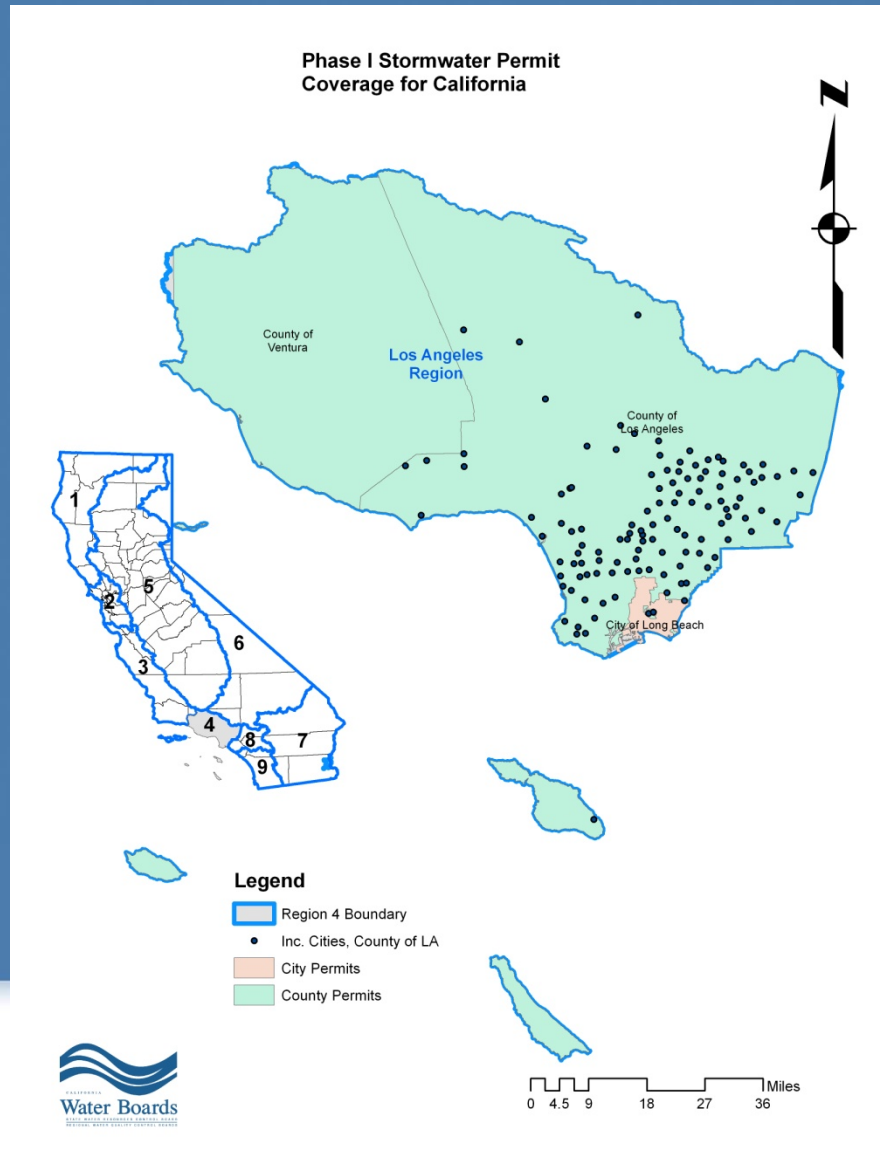
San Francisco Region - 6



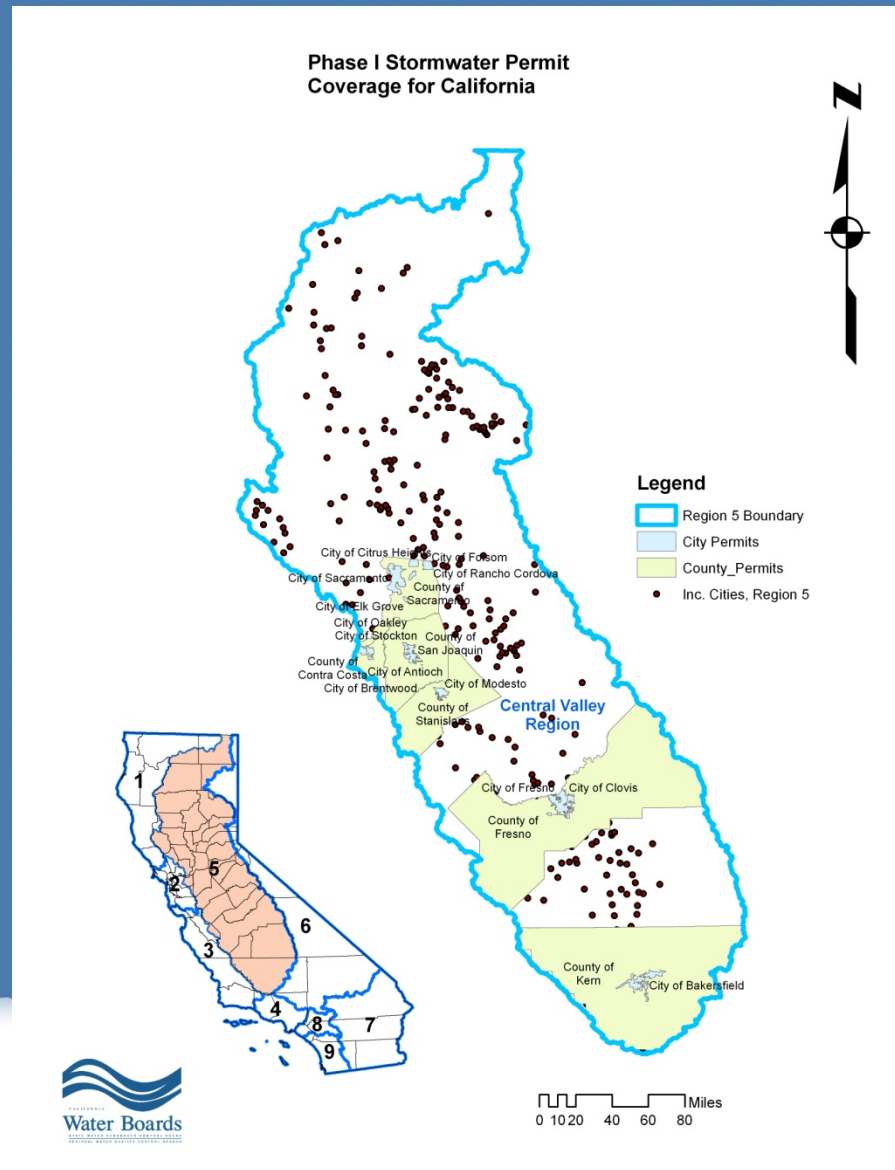
Central Coast - 1



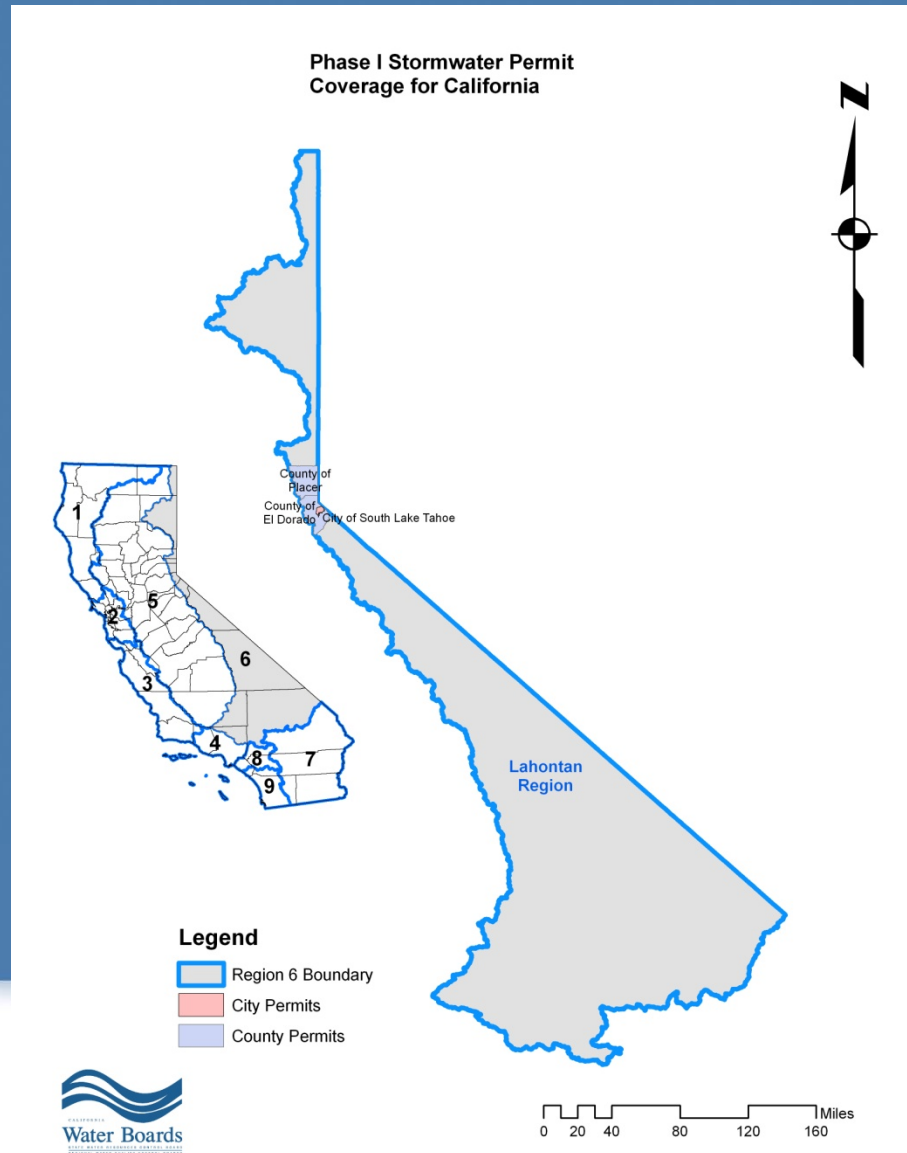
Los Angeles - 4



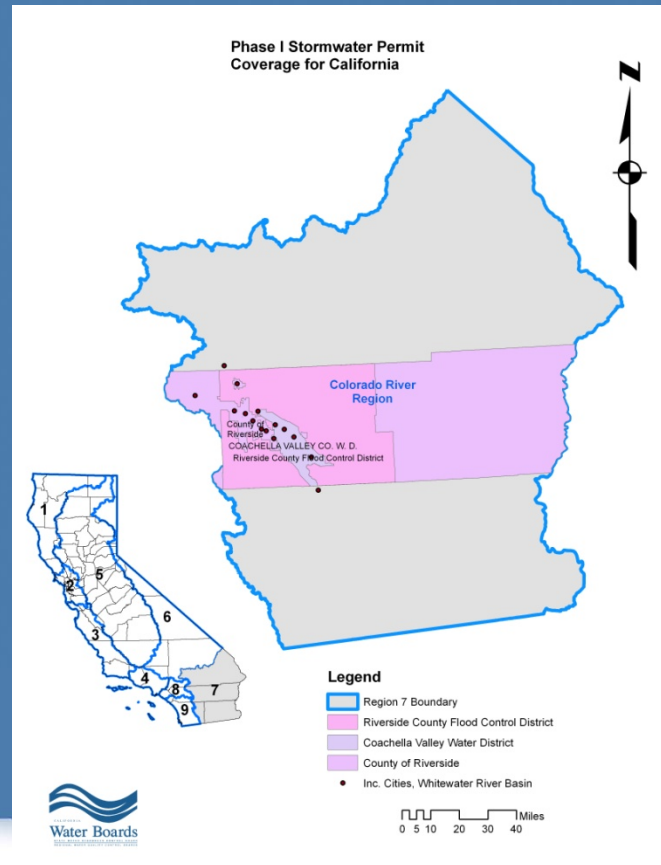
Central Valley - 7



Lahontan Region - 1

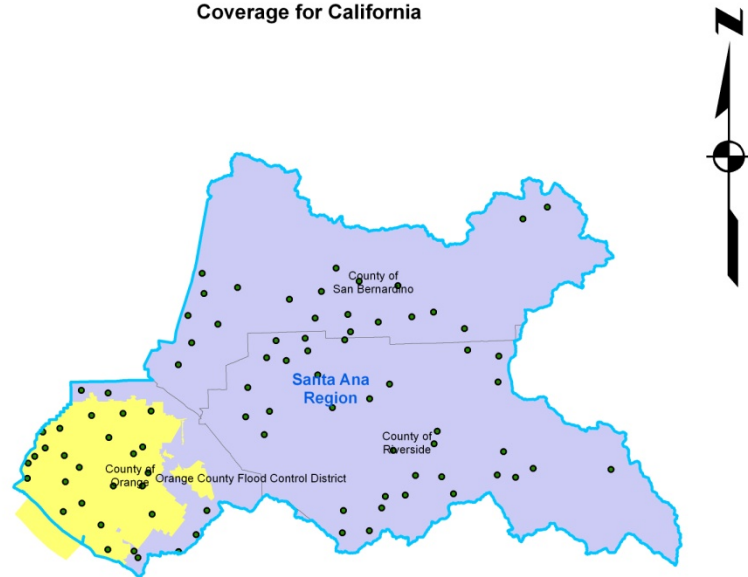


Colorado River - 1



Santa Ana - 3

Phase I Stormwater Permit Coverage for California

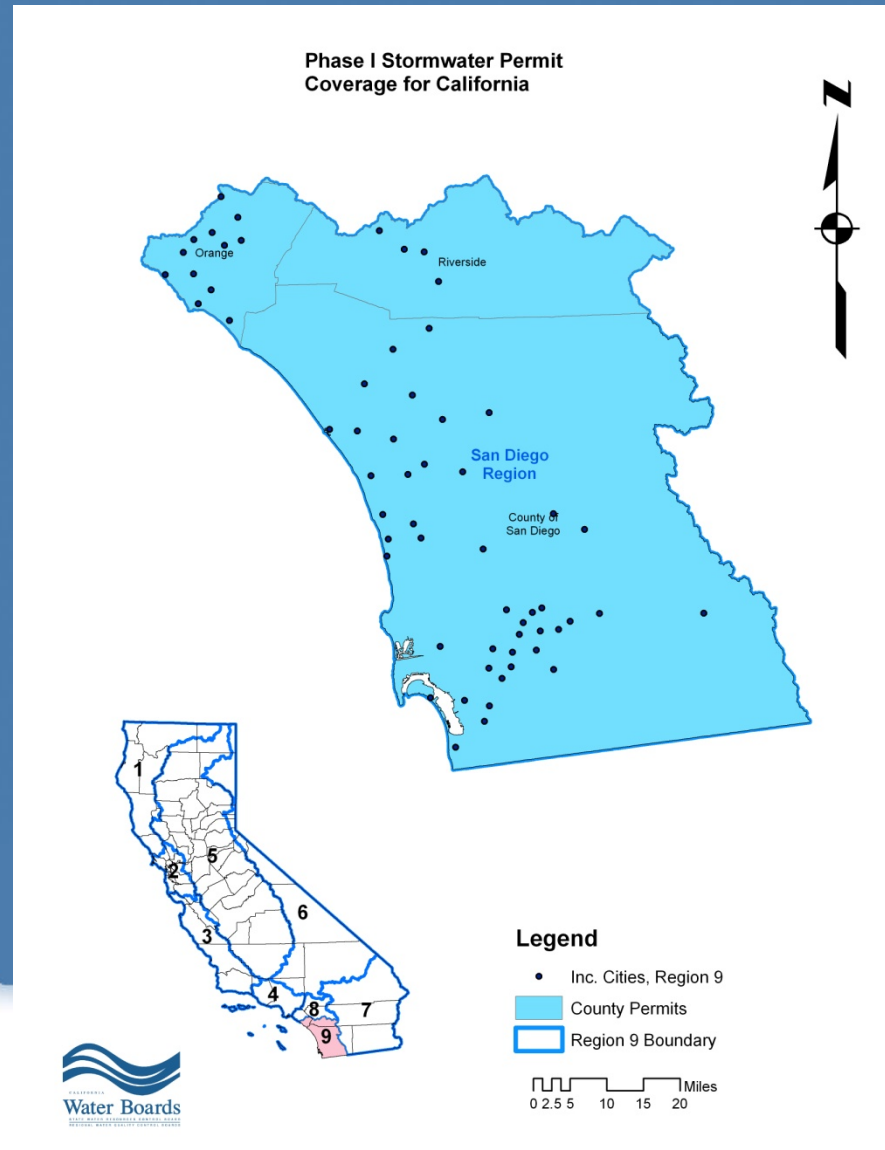


Legend

- Region 8 Boundary
- Inc. Cities, Santa Ana Region
- Orange County Flood Control District
- County Permits

0 2.5 5 10 15 20 Miles

San Diego - 2



Phase I Issues

- Permits more complex and controversial with increased litigation
- Different Permitting Approaches
 - ✓ Prescriptive
 - ✓ Non-Prescriptive
 - ✓ Regional Municipal Permits
- Recently San Francisco Water Board released a Draft Regional Municipal Permit covering all Phase I's in region

Phase I Issues

- June 19, 2006 - State Water Board released Blue Ribbon Panel Report
 - ✓ Municipal Discharges - Panel Recommended (Action Levels and improve accountability)
- Impaired water bodies and TMDLs are being implemented through MS4 permits
- Over 1000 cities, counties, and other governmental agencies regulated – significant amount of money spent on programs

Phase I Issues

- Initiatives - Storm Water as a Resource, not a problem
 - ✓Water Efficiency
 - ✓Draft SWRCB Strategic Plan
 - ✓Water Education Foundation
- Differing Regional Board Interpretation
 - ✓Low Impact Development
 - ✓Hydromodification
 - ✓Sustainability
 - ✓Permit requirements

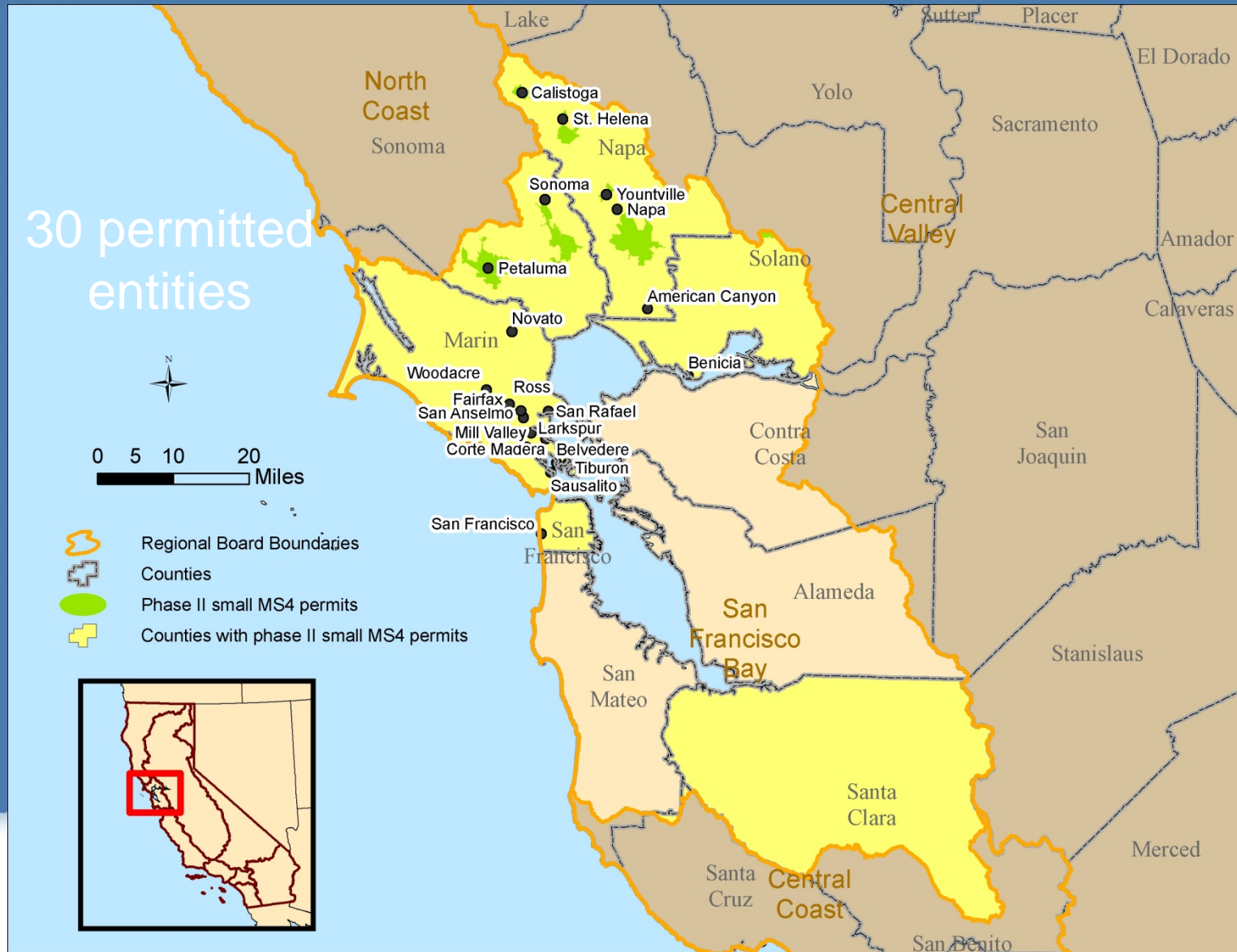
Overview of California



North Coast Water Board



San Francisco Water Board



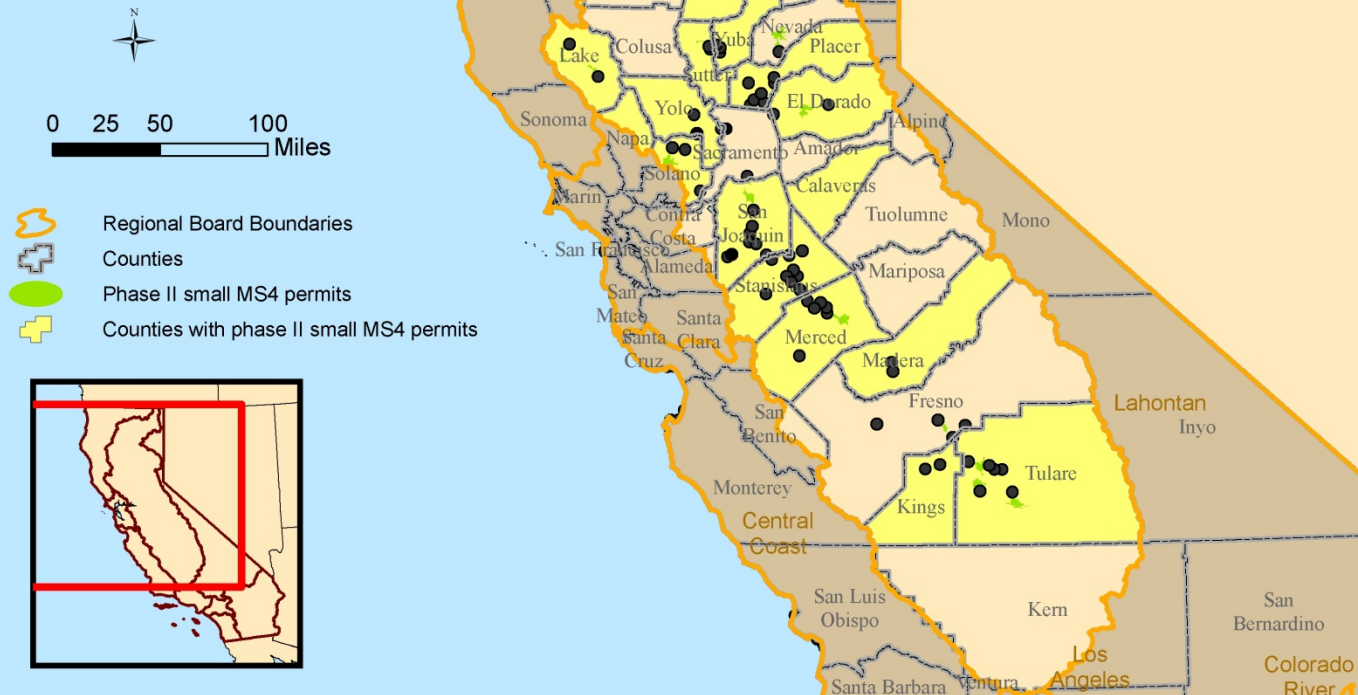
Central Coast Water Board

- 110 designated entities
- 102 awaiting permit coverage
- 8 permitted entities



Central Valley Water Board

- 85 permitted entities
- 4 awaiting coverage



Lahontan Water Board



Colorado River Water Board



Overview of California

- Los Angeles and Santa Ana Water Boards
 - Cities/Counties covered under Phase I
- San Diego Water Board -
 - 0 designations

Phase II Issues

- SWMP review and approval controversial with increased litigation
- Compliance with TMDLs
- Differing Regional Board Interpretation
 - Low Impact Development
 - Hydromodification
 - Sustainability
 - Above concepts/principles integrated different into SWMPs

Phase II Issues

- SWMP review and approval litigation/petition – delays coverage
- Regional Water Boards must review and approve over 250 SWMPs when new permit is issued – increased staff workload
- Different SWMP review and approval approaches – inconsistency in General Permit interpretation
- 100's of entities identified to be designated - not yet covered – increased staff workload
- New Phase II permit – staff may include new components

How do we evaluate compliance?

- Effective Phase I and Phase II MS4 permit writing
 - Quantifiable/measurable elements
- Evaluating compliance different region to region
 - Various levels of permit detail throughout Regions

Very specific permits

- ✓ Clear provisions for Permittees to implement
- ✓ Relatively straight forward

Nonspecific permits

- ✓ Challenging if permit simply requires MS4 to “implement a SWMP”
- ✓ Determining compliance difficult
- ✓ Permittees don’t have a clear target to achieve
- ✓ Details contained in SWMP

How do we evaluate compliance?

- Phase II General Permit – identified measurable goals
- Overall, evaluating compliance varies from Region to Region
 - Specific, measurable permits takes time and resources as do non-specific permits to review SWMPs
 - For Phase I MS4 permits entering 4th permit term specific permits are becoming a necessity
 - Regulated community and the public are demanding accountability, which the specific, measurable permits provide
 - CASQA developed Effectiveness Guidance Manual
 - AB739 – requires SWRCB to develop a comprehensive framework for evaluating and measuring the effectiveness of programs

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CONTACT INFORMATION

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